



General Assembly

***Substitute Bill No. 1081***

*January Session, 2005*

\*       SB01081PD      040105      \*

***AN ACT CONCERNING FARM LAND PRESERVATION.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective July 1, 2005*) (a) For the purposes of this  
2       section, "agricultural land" means land that contains prime or state-  
3       wide important soils as identified by the United States Natural  
4       Resources Conservation Service and "shellfish grounds" means an area  
5       designated on shellfish maps prepared by the Department of  
6       Agriculture or a municipality.

7       (b) No state funds or federal funds administered by the state shall  
8       be used to encourage or facilitate the conversion of agricultural land or  
9       active shellfish grounds to nonagricultural or nonaquaculture uses  
10      without mitigation in accordance with the provisions of subsection (c)  
11      of this section, except that the provisions of said subsection (c) shall  
12      not apply to (1) conversions for a different agricultural purpose, and  
13      (2) conversion of less than one acre of shellfish grounds for the  
14      purpose of installation of a residential utility other than a facility, as  
15      defined in section 16-50i of the general statutes, requiring a certificate  
16      pursuant to section 16-50k of the general statutes or approval of the  
17      Federal Energy Regulatory Commission shall be exempt from this  
18      section.

19      (c) Mitigation may be accomplished by (1) purchase by the state or  
20      granting to the state of a permanent agricultural conservation

21 easement on an equivalent amount of agricultural land of with  
22 comparable or better soil quality in the municipality within which the  
23 acreage being converted is located; or (2) if no comparable agricultural  
24 land is available for an agricultural conservation easement as provided  
25 in subdivision (1) of this section, a monetary payment, equivalent to  
26 the value of the development rights on the acreage being converted,  
27 paid to the General Fund and used for the preservation of agricultural  
28 land pursuant to chapter 422a of the general statutes.

29 (d) There is established an interagency committee to advise the  
30 Commissioner of Agriculture on implementation of the provisions of  
31 this section. The committee shall be comprised of the State Properties  
32 Review Board, the Secretary of the Office of Policy and Management  
33 and the Departments of Agriculture, Environmental Protection,  
34 Transportation, Correction, Economic and Community Development,  
35 Education and Mental Retardation. The Commissioner of Agriculture  
36 shall serve as chairperson of said committee and shall convene the  
37 committee as often as said commissioner deems necessary. The  
38 commissioner may adopt regulations, in accordance with the  
39 provisions of chapter 54 of the general statutes, to implement the  
40 provisions of this section.

41 Sec. 2. (NEW) (*Effective July 1, 2005*) (a) The Commissioner of  
42 Agriculture shall compile an inventory of land owned by the state that  
43 contains prime agricultural or state-wide important soils identified by  
44 the United States Natural Resources Conservation Service.

45 (b) In consultation with the Connecticut Council for Agricultural  
46 Development and the agencies that manage properties listed in the  
47 inventory prepared under subsection (a) of this section, the  
48 commissioner shall determine which lands identified on the inventory  
49 prepared under this section are important for current and future  
50 agricultural use and should be permanently protected from conversion  
51 to nonagricultural use. The commissioner shall notify the State Bond  
52 Commission and any affected agencies of each such determination.

53 (c) In the event of a sale or transfer of ownership of any agricultural  
54 land determined to be important for current or future agricultural use  
55 under subsection (b) of this section, at or before the time of transfer of  
56 ownership of such land, the development rights to the land shall be  
57 retained by the state and a permanent agricultural conservation  
58 easement on such land shall be held through the state program for the  
59 preservation of agricultural land established pursuant to chapter 422a  
60 of the general statutes.

61 Sec. 3. (NEW) (*Effective July 1, 2005*) (a) The Department of  
62 Agriculture shall establish and administer a program of matching  
63 grants to municipalities to further agricultural viability. Grants may be  
64 used for: (1) The purchase of development rights, to be held jointly by  
65 the state and the municipality; (2) local capital projects that foster  
66 agricultural viability, including, but not limited to, processing facilities  
67 and farmers markets; and (3) the development and implementation of  
68 land use regulations and local farm land protection strategies that  
69 sustain and promote local agriculture.

70 (b) On or before January 31, 2006, the Connecticut Council for  
71 Agricultural Development, in consultation with municipal entities,  
72 shall develop and recommend criteria for implementation of the grant  
73 program to be used by the department in making grants under this  
74 section.

75 Sec. 4. Section 22-26e of the general statutes is repealed and the  
76 following is substituted in lieu thereof (*Effective from passage*):

77 (a) There is hereby established a [Governor's] Connecticut Council  
78 for Agricultural Development [for advisory purposes only,] consisting  
79 of not more than [thirty] twenty-one members. The council shall be  
80 within the Department of Agriculture for administrative purposes  
81 only. The Commissioner of Agriculture shall be [chairman] a member  
82 of said council. The Governor shall appoint [twelve] eight council  
83 members from a list provided by the Commissioner of Agriculture of  
84 persons representative of agricultural activities in the state, including

85 agricultural production, processing, marketing, sales, education, farm  
86 land preservation and trade associations. The speaker of the House of  
87 Representatives, the president pro tempore of the Senate and the  
88 majority leader and minority leader of each house of the General  
89 Assembly shall each appoint two council members.

90 (b) (1) The council shall provide advice to the Department of  
91 Agriculture concerning the development, diversification and  
92 promotion of agricultural products, programs and enterprises in this  
93 state and shall provide for an interchange of ideas from the various  
94 commodity groups and organizations represented.

95 (2) The council shall evaluate farm land protection programs and  
96 efforts in the state. Such evaluation shall include a review of (A) the  
97 acreage goals for farm land preservation identified in the state plan of  
98 conservation and development prepared pursuant to chapter 297 and  
99 progress in meeting such goals, and (B) the effectiveness of the state  
100 program for the preservation of agricultural lands authorized under  
101 chapter 422a in ensuring a supply of affordable farm land for current  
102 and future generations of farmers and the role of the open space and  
103 watershed land acquisition program established under section 7-131d  
104 in preserving farm land. On or before January 31, 2006, and annually  
105 thereafter, the council shall submit a report, in accordance with section  
106 11-4a, detailing its findings and recommendations to the Governor and  
107 the joint standing committees of the General Assembly having  
108 cognizance of matters relating to the environment and to  
109 municipalities. Such report shall include recommendations for  
110 administration of farm land preservation, including, but not limited to,  
111 acreage goals and the amount of state financing needed to achieve  
112 such goals.

113 (c) The council shall meet at least once each calendar quarter. Any  
114 vacancy in the membership may be filled by the Governor. The  
115 members shall serve without compensation or reimbursement for  
116 expenses. Any member absent from more than two meetings in a year  
117 shall be deemed to have resigned. The chairman of the council shall be

118 elected by a majority of the members appointed.

119       Sec. 5. Subsection (a) of section 22-26jj of the general statutes is  
120 repealed and the following is substituted in lieu thereof (*Effective from*  
121 *passage*):

122       (a) The Commissioner of Agriculture, with the approval of the State  
123 Properties Review Board, may acquire [, prior to July 1, 1995,] by  
124 purchase or accept as a gift, on behalf of the state, the fee simple title of  
125 any agricultural real property and any personal property related to  
126 such real property, including, but not limited to, machinery,  
127 equipment, fixtures and livestock. The state conservation and  
128 development plan established pursuant to chapter 297 shall be used as  
129 an advisory document in connection with acquisition of such property.  
130 The commissioner, in deciding whether or not to acquire such  
131 property, shall consider all of the factors stated in section 22-26cc and  
132 shall further consider the likelihood of subsequent sale of such  
133 property by the department for agricultural purposes, subject to the  
134 state's retention of development rights. After a preliminary evaluation  
135 of such factors, the [Commissioner of Agriculture ] commissioner shall  
136 obtain and review one or more fee appraisals of the property in order  
137 to determine the value of such property. Each such appraisal shall  
138 include an itemization of (1) the total value of the land, (2) the value of  
139 the land as agricultural land, (3) the value of the development rights of  
140 the land, and (4) the value of any related personal property proposed  
141 to be included in any sale. The commissioner shall give notice of any  
142 such appraisal to the Departments of Transportation, Economic and  
143 Community Development and Environmental Protection and the  
144 Office of Policy and Management. Any such appraisal may be obtained  
145 by the owner of the property and, if performed in a manner approved  
146 by the commissioner, shall be considered by the commissioner in  
147 making such determination. The commissioner may purchase such  
148 property for a lesser price than any price suggested by any such  
149 appraisal provided all considerations for acquisition specified in this  
150 subsection are taken into account. In determining the value of the  
151 property, consideration shall be given to sales of comparable

152 properties in the general vicinity.

153 Sec. 6. Section 22-26hh of the general statutes is repealed and the  
154 following is substituted in lieu thereof (*Effective July 1, 2005*):

155 (a) The State Bond Commission shall have power, from time to time,  
156 to authorize the issuance of bonds of the state in one or more series  
157 and in principal amounts not exceeding in the aggregate [eighty-nine]  
158 ninety-nine million [seven hundred fifty thousand] dollars, the  
159 proceeds of which shall be used for the purposes of section 22-26cc,  
160 provided not more than [two] ten million dollars of said authorization  
161 shall be effective July 1, 2004, and further provided not more than two  
162 million dollars shall be used for the purposes of section 22-26jj, as  
163 amended by this act. All provisions of section 3-20, or the exercise of  
164 any right or power granted thereby which are not inconsistent with the  
165 provisions of this section are hereby adopted and shall apply to all  
166 bonds authorized by the State Bond Commission pursuant to this  
167 section, and temporary notes in anticipation of the money to be  
168 derived from the sale of any such bonds so authorized may be issued  
169 in accordance with said section 3-20 and from time to time renewed.  
170 Such bonds shall mature at such time or times not exceeding twenty  
171 years from their respective dates as may be provided in or pursuant to  
172 the resolution or resolutions of the State Bond Commission authorizing  
173 such bonds. None of said bonds shall be authorized except upon a  
174 finding by the State Bond Commission that there has been filed with it  
175 a request for such authorization, which is signed by or on behalf of the  
176 Secretary of the Office of Policy and Management and states such  
177 terms and conditions as said commission, in its discretion, may  
178 require. Said bonds issued pursuant to this section shall be general  
179 obligations of the state and the full faith and credit of the state of  
180 Connecticut are pledged for the payment of the principal of and  
181 interest on said bonds as the same become due, and accordingly and as  
182 part of the contract of the state with the holders of said bonds,  
183 appropriation of all amounts necessary for punctual payment of such  
184 principal and interest is hereby made, and the Treasurer shall pay such  
185 principal and interest as the same become due.

186     (b) To the extent that there is a balance of bonds authorized but not  
187     allocated by the State Bond Commission on or after July 1, 2004,  
188     pursuant to the provisions of subsection (a) of this section, for the  
189     purposes of section 22-26jj, as amended by this act, the State Bond  
190     Commission shall authorize the issuance of such balance in one  
191     installment in each fiscal year commencing with the fiscal year ending  
192     June 30, 2005.

193     Sec. 7. (NEW) (*Effective July 1, 2005*) (a) The Department of  
194     Agriculture shall administer a Farm Reinvestment Program. Grants  
195     shall be made to farmers for diversification and transitioning to value  
196     added agricultural production and sales and for developing farm  
197     markets and other venues where a majority of products sold are grown  
198     in the state.

199     (b) The Commissioner of Agriculture shall adopt regulations, in  
200     accordance with the provisions of chapter 54 of the general statutes, for  
201     the administration of the program established by this section. Such  
202     regulations shall require the development of business plans.

203     Sec. 8. Section 7-34a of the general statutes is amended by adding  
204     subsection (e) as follows (*Effective July 1, 2005*):

205     (NEW) (e) In addition to the fees for recording a document under  
206     subsection (a) of this section, town clerks shall receive a fee of thirty  
207     dollars for each document recorded in the land records of the  
208     municipality. One dollar of any fee paid pursuant to this subsection  
209     shall be retained by the town clerk and three dollars of such fee shall  
210     become part of the general revenue of the municipality and used to  
211     pay for local capital improvement projects, as defined in section 7-536  
212     of the general statutes. Not later than the fifteenth day of each month,  
213     town clerks shall remit twenty-six dollars of the fees paid pursuant to  
214     this subsection during the previous calendar month to the State  
215     Treasurer for deposit in the General Fund. Upon such deposit, the  
216     amount shall be credited to the land protection, affordable housing  
217     and historic preservation account established pursuant to section 9 of

218 this act. The provisions of this subsection shall not apply to any  
 219 document recorded on the land records by an employee of the state or  
 220 of a municipality in conjunction with said employee's official duties.  
 221 As used in this subsection, "municipality" includes each town,  
 222 consolidated town and city, city, consolidated town and borough,  
 223 borough, district, as defined in chapter 105 or 105a, and each  
 224 municipal board, commission and taxing district not previously  
 225 mentioned.

226       Sec. 9. (NEW) (*Effective July 1, 2005*) There is established, within the  
 227 General Fund, a separate, nonlapsing account to be known as the "land  
 228 protection, affordable housing and historic preservation account". Such  
 229 account shall contain any moneys required by law to be deposited in  
 230 the account. The moneys in said account shall be distributed as  
 231 follows: Twenty-five per cent to the Historic Preservation Council for  
 232 on-going maintenance to the physical plant of historic sites; twenty-  
 233 five per cent to the Connecticut Housing Finance Authority to  
 234 supplement new or existing affordable housing programs; twenty-five  
 235 per cent to the Department of Agriculture for farm land preservation  
 236 programs and twenty-five per cent to the Department of  
 237 Environmental Protection for open space grants to municipalities.

238       Sec. 10. (*Effective July 1, 2005*) The sum of five hundred thousand  
 239 dollars is appropriated to the Department of Agriculture, from the  
 240 General Fund, for the fiscal year ending June 30, 2006, for grants to  
 241 farmers for activities pursuant to section 7 of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2005</i>	New section
Sec. 2	<i>July 1, 2005</i>	New section
Sec. 3	<i>July 1, 2005</i>	New section
Sec. 4	<i>from passage</i>	22-26e
Sec. 5	<i>from passage</i>	22-26jj(a)
Sec. 6	<i>July 1, 2005</i>	22-26hh
Sec. 7	<i>July 1, 2005</i>	New section



Sec. 8	<i>July 1, 2005</i>	7-34a
Sec. 9	<i>July 1, 2005</i>	New section
Sec. 10	<i>July 1, 2005</i>	New section

**PD**      *Joint Favorable Subst.*